

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RONNIE EDWARD DUKE,

Defendant.

Case No. 17-20733
Honorable Laurie J. Michelson

**ORDER DENYING MOTION FOR RECONSIDERATION OF MOTION TO
DISQUALIFY JUDGE [46]**

On July 1, 2019, the Court issued an opinion and order denying Defendant Ronnie Edward Duke's motion to disqualify judge. (ECF No. 45.) Duke now seeks reconsideration of that ruling. (ECF No. 46.)

Duke points out that his assault on an Assistant United States Attorney occurred in a proceeding separate and distinct from the pending criminal prosecution. He then claims the cases the Court relied on in rejecting his recusal request are distinguishable because they involve misconduct witnessed by a judge in the same underlying case. Thus, says Duke, “[t]he serious and legitimate concern of the appellate courts regarding a defendant manipulating the judicial system through assaultive and contemptuous conduct is simply not present in the case at bar.” (ECF No. 46, PageID.178.)

It is certainly true that disincentivizing litigants from engaging in misconduct in front of a judge for the purpose of manipulating the judicial system is a rationale for not mandating judicial disqualification. But that does not make the defendant's intent a prerequisite. Just because Duke obviously had no intention of seeking the undersigned's recusal at the time of the assault – as it

preceded his indictment in this case – does not mean disqualification is warranted here. And the Court’s prior opinion explains why disqualification is not warranted here. And nothing in Duke’s motion “demonstrate[s] a palpable defect by which the Court and the parties . . . have been misled” or “show[s] that correcting the defect will result in a different disposition of the case.” E.D. Mich. LR 7.1(h).

The motion for reconsideration is DENIED.

SO ORDERED.

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE

Date: August 5, 2019

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, August 5, 2019, using the Electronic Court Filing system.

s/William Barkholz
Case Manager